

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LOUIS R. HOSKING

Appeal No. 97-0751
Application 08/380,622¹

ON BRIEF

Before MEISTER, ABRAMS and FRANKFORT, **Administrative Patent Judges**.

MEISTER, **Administrative Patent Judge**.

DECISION ON APPEAL

Louis R. Hosking (the appellant) appeals from the final rejection of claims 6-10, the only claims remaining in the application. We reverse.

The appellant's invention pertains to a clothing conjoiner.

¹ Application for patent filed January 30, 1995.

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Independent claim 9 is further illustrative of the appealed subject matter and a copy thereof may be found in the appendix to the appellant's brief.

The prior art relied on by the examiner is:

Carpenter	2,030,135	Feb. 11, 1936
Mack	4,621,442	Nov. 11, 1986

Claims 6-10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Carpenter in view of Mack. According to the examiner:

Carpenter lacks the inner liner or one of the liners cut to a length greater than that of the attachment assembly and the excess length folded upward. Mack discloses an adhesive unit with a liner cut to a length longer than the attachment assembly and ***the excess folded upward in a direction perpendicular to the length of the assembly to form a tab allowing for ease of removal of the liner*** after the garments are in place on the user. . [sic]² It would have been obvious to one of ordinary skill in the art to modify the adhesive assembly of Carpenter by including a liner which is longer than the length of the attachment assembly in order to provide an additional gripping means to facilitate donning the same between upper and lower garments. [Answer, page 4; emphasis ours; footnote added.]

We are at a loss to understand where Mack teaches the above-emphasized structure as the examiner asserts. The only thing

² Notably absent from the examiner's explanation of the rejection is any identification of what element in Mack the examiner considers to correspond to the folded liner.

"folded" in Mack is the element 20, but this is a **leaflet** which conveys information to a user and in no way functions as a "liner," much less forming a "tab allowing for ease of removal of the liner."

Mack in Figs. 3 and 4 does disclose a liner 18 which extends a short distance beyond the ends 22 of the adhesive coated sheet 14, apparently for the purpose of facilitating removal of the liner from the adhesive coated sheet. However, the short length of liner 18 extending beyond the ends 22 of the adhesive coated sheet obviously is not of such an extent so as to have the capability of being folded in the claimed manner. Moreover, even if it did, we find no suggestion to incorporate this teaching of Mack into the device of Carpenter as the examiner is perhaps proposing to do. In particular, we note that the primary reference to Carpenter provides a tab or non-coated portion on the adhesive coated sheet 11 in order to facilitate removal of the liner. As we have noted above, Mack extends the liner 18 a short distance beyond the adhesive coated sheet 14 for the apparent purpose of facilitating removal of the liner. Thus, Carpenter and Mack would teach one of ordinary skill in the art that there are two distinct ways of facilitating removal of the liner. That is, providing a tab as taught by Carpenter **or**

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providing an extension of the liner beyond the adhesively coated sheet as taught by Mack. Absent the appellants own teachings, we can think of no reason why one of ordinary skill in this art would modify the device of Carpenter in such a manner so as to **retain** the tab 13 (which already facilitates liner removal) and to **additionally** incorporate an extension of the liner beyond the adhesively coated base as taught by Mack.

The decision of the examiner to reject 6-10 under 35 U.S.C. § 103 based on the combined teachings of Carpenter and Mack is reversed.

REVERSED

JAMES M. MEISTER)	
Administrative Patent Judge)	
)	
)	
)	
NEAL E. ABRAMS)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
CHARLES E. FRANKFORT)	
Administrative Patent Judge)	

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